

Union Calendar No. 250

104TH CONGRESS  
2D Session

H. R. 842

[Report No. 104-499, Parts I and II]

A BILL

To provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund.

MARCH 29, 1996

Reported adversely from the Committee on the Budget; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 1995

Mr. SHUSTER (for himself, Mr. MINETA, Mr. PETRI, Mr. RAHALL, Mr. DUNCAN, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure and, in addition, to the Committees on the Budget and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 6, 1995

The Committee on Government Reform and Oversight discharged

DECEMBER 6, 1995

Rereferred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MARCH 27, 1996

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MARCH 27, 1996

Referral to the Committee on the Budget extended for a period ending not later than March 29, 1996

MARCH 29, 1996

Additional sponsors: Mr. YOUNG of Alaska, Mr. LIPINSKI, Mr. CLINGER, Mr. WISE, Mr. BATEMAN, Mr. TRAFICANT, Mr. EMERSON, Mr. DEFazio, Mr. COBLE, Mr. HAYES, Ms. MOLINARI, Mr. CLEMENT, Mr. ZELIFF, Mr. COSTELLO, Mr. EWING, Mr. PARKER, Mr. GILCHREST, Mr. LAUGHLIN, Mr. HUTCHINSON, Mr. CRAMER, Mr. BAKER of California, Miss COLLINS of Michigan, Mr. KIM, Ms. DANNER, Mr. HORN, Mr. CLYBURN, Mr. FRANKS of New Jersey, Ms. BROWN of Florida, Mr. BLUTE, Mr. BARCIA, Mr. MICA, Mr. FILNER, Mr. QUINN, Mr. TUCKER, Mrs. FOWLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EHLERS, Mr. BREWSTER, Mr. BACHUS, Mr. WELLER, Mr. WAMP, Mr. LATHAM, Mr. LATOURETTE, Mrs. SEASTRAND, Mr. TATE, Mrs. KELLY, Mr. LAHOOD, Mr. MARTINI, Mr. McKEON, Mr. ENGLISH of Pennsylvania, Mr. FOX of Pennsylvania, Mr. TALENT, Mr. PETE GEREN of Texas, Mr. COYNE, Mr. QUILLEN, Mr. GENE GREEN of Texas, Mr. SHAW, Mr. POMEROY, Mr. FROST, Mr. WELDON of Florida, Mr. COLLINS of Georgia, Mr. PAYNE of Virginia, Mr. BAKER of Louisiana, Mr. BRYANT of Tennessee, Mr. THORNTON, Mr. BALDACCI, Mr. KLECZKA, Mr. TORRICELLI, Mr. ORTIZ, Mr. HOLDEN, Mr. MARTINEZ, Mr. GEKAS, Mr. EHRLICH, Mr. ABERCROMBIE, Mr. MASCARA, Mr. WARD, Mr. ROHRABACHER, Mr. WILSON, Mr. EVANS, Mr. GORDON, Mr. JACOBS, Mr. DOYLE, Mr. KLINK, Ms. ESHOO, Mr. UPTON, Mr. BEREUTER, Mr. CHAPMAN, Mr. BONO, Mr. SCARBOROUGH, Mr. McNULTY, Mr. NADLER, Mr. CREMEANS, Mr. CRAPO, Mr. LONGLEY, Mr. DOOLITTLE, Mr. VOLKMER, Mr. GEJDENSON, Mr. STUPAK, Mr. ROBERTS, Mr. GILLMOR, Mr. LEWIS of California, Mr. DAVIS, Mr. BAESLER, Mr. NEY, Mr. RIGGS, Mr. HOUGHTON, Mr. DEAL of Georgia, Mr. WELDON of Pennsylvania, Mr. COOLEY of Oregon, Mr. MONTGOMERY, Ms. DUNN of Washington, Mr. MYERS of Indiana, Mr. NEUMANN, Mr. HEINEMAN, Mr. WATTS of Oklahoma, Mr. LEWIS of Kentucky, Mrs. LOWEY, Mr. McHUGH, Mr. PAYNE of New Jersey, Mr. SISISKY, Mr. DORNAN, Mrs. CHENOWETH, Mr. CHRYSLER, Mr. FUNDERBURK, Mr. HINCHEY, Mrs. LINCOLN, Mr. MATSUI, Mr. GALLEGLY, Mr. ENSIGN, Mr. HILLIARD, Mrs. CUBIN, Mr. ROSE, Mr. METCALF, Mr. CAMP, Mr. CALVERT, Mr. SCHIFF, Mr. POSHARD, Mr. RICHARDSON, Mr. SMITH of Texas, Mrs. WALDHOLTZ, Mr. TIAHRT, Mr. FARR of California, Ms. NORTON, Mr. DIAZ-BALART, Mr. SCHAEFER, Mr. HASTERT, Mr. MCCOLLUM, Mr. PETERSON of Minnesota, Mr. FORD, Mr. HANCOCK, Mr. TANNER, Mr. FRAZER, Mr. HEFLEY, Mr. MOORHEAD, Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. KILDEE, Mr. FIELDS of Texas, Mr. DELLUMS, Mr. NORWOOD, Mr. THOMPSON, Mr. BROWN of California, Mr. JONES, Ms. ROYBAL-ALLARD, Mr. FAWELL, Mr. SPENCE, Mr. BENTSEN, Mr. LEWIS of Georgia, Mr. GOODLING, Mr. HANSEN, Mr. MARKEY, Mr. ROTH, Mr. COMBEST, Mr. HUNTER, Mr. PICKETT, Ms. MCCARTHY, Mr. MENENDEZ, Mr. FLANAGAN, Mr. CHAMBLISS, Mr. GRAHAM, Mr. FOLEY, Mr. PASTOR, Mr. SOLOMON, Mr. TAYLOR of Mississippi, Mrs. SCHROEDER, Mr. TOWNS, Mr. BILBRAY, Mr. BARTLETT of Maryland, Mr. BALLENGER, Mr. LEACH, Mr. ISTOOK, Mr. FORBES, Mr. MORAN, Mr. LOBIONDO, Mr. HASTINGS of Washington, Mr. WHITFIELD, Mr. GUTKNECHT, Mr. SKELTON, Mr. GILMAN, Mr. BARTON of Texas, Mr. STUMP, Mr. FRISA, Mr. HALL of Texas, Mr. HAMILTON, Mr. BUYER, Mr.

JOHNSON of South Dakota, Mr. DEUTSCH, Mr. SCOTT, Mr. McHALE, Mr. CRANE, Mr. ENGEL, Ms. WOOLSEY, Mr. MINGE, Mr. GANSKE, Mr. HOSTETTLER, Mr. PAXON, Mr. ALLARD, and Mr. GREENWOOD

MARCH 29, 1996

Reported adversely from the Committee on the Budget; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 7, 1995]

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## A BILL

To provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Truth in Budgeting*  
5 *Act”.*

6 **SEC. 2. BUDGETARY TREATMENT OF HIGHWAY TRUST**

7 **FUND, AIRPORT AND AIRWAY TRUST FUND,**

8 **INLAND WATERWAYS TRUST FUND, AND HAR-**

9 **BOR MAINTENANCE TRUST FUND.**

10 *Notwithstanding any other provision of law, the re-*  
11 *ceipts and disbursements of the Highway Trust Fund, the*  
12 *Airport and Airway Trust Fund, the Inland Waterways*  
13 *Trust Fund, and the Harbor Maintenance Trust Fund—*

1           (1) *shall not be counted as new budget authority,*  
 2           *outlays, receipts, or deficit or surplus for purposes*  
 3           *of—*

4                     (A) *the budget of the United States Govern-*  
 5                     *ment as submitted by the President,*

6                     (B) *the congressional budget (including al-*  
 7                     *locations of budget authority and outlays pro-*  
 8                     *vided therein), or*

9                     (C) *the Balanced Budget and Emergency*  
 10                    *Deficit Control Act of 1985; and*

11           (2) *shall be exempt from any general budget lim-*  
 12           *itation imposed by statute on expenditures and net*  
 13           *lending (budget outlays) of the United States Govern-*  
 14           *ment.*

15   **SEC. 3. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF**  
 16                   **AIRPORT AND AIRWAY TRUST FUND.**

17           (a) *IN GENERAL.*—Chapter 471 of title 49, United  
 18   *States Code, is amended—*

19                     (1) *by redesignating section 47131 as section*  
 20                     *47132; and*

21                     (2) *by inserting after section 47130 the following*  
 22                     *new section:*

23   **“§ 47131. Safeguards against deficit spending**

24                     “(a) *ESTIMATES OF UNFUNDED AVIATION AUTHOR-*  
 25   *IZATIONS AND NET AVIATION RECEIPTS.*—Not later than

1 *March 31 of each year, the Secretary, in consultation with*  
 2 *the Secretary of the Treasury, shall estimate—*

3           “(1) *the amount which would (but for this sec-*  
 4 *tion) be the unfunded aviation authorizations at the*  
 5 *close of the first fiscal year that begins after that*  
 6 *Mach 31, and*

7           “(2) *the net aviation receipts at the close of such*  
 8 *fiscal year.*

9           “(b) *PROCEDURE IF EXCESS UNFUNDED AVIATION*  
 10 *AUTHORIZATIONS.—If the Secretary determines for any fis-*  
 11 *cal year that the amount described in subsection (a)(1) ex-*  
 12 *ceeds the amount described in subsection (a)(2), the Sec-*  
 13 *retary shall determine the amount of such excess.*

14           “(c) *ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED*  
 15 *AUTHORIZATIONS EXCEED RECEIPTS.—*

16           “(1) *DETERMINATION OF PERCENTAGE.—If the*  
 17 *Secretary determines that there is an excess referred*  
 18 *to in subsection (b) for a fiscal year, the Secretary*  
 19 *shall determine the percentage which—*

20                   “(A) *such excess, is of*

21                   “(B) *the total of the amounts authorized to*  
 22 *be appropriated from the Airport and Airway*  
 23 *Trust Fund for the next fiscal year.*

24           “(2) *ADJUSTMENT OF AUTHORIZATIONS.—If the*  
 25 *Secretary determines a percentage under paragraph*

1       (1), each amount authorized to be appropriated from  
 2       the Airport and Airway Trust Fund for the next fis-  
 3       cal year shall be reduced by such percentage.

4       “(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-  
 5       HELD.—

6               “(1) ADJUSTMENT OF AUTHORIZATIONS.—If,  
 7       after a reduction has been made under subsection  
 8       (c)(2), the Secretary determines that the amount de-  
 9       scribed in subsection (a)(1) does not exceed the  
 10      amount described in subsection (a)(2) or that the ex-  
 11      cess referred to in subsection (b) is less than the  
 12      amount previously determined, each amount author-  
 13      ized to be appropriated that was reduced under sub-  
 14      section (c)(2) shall be increased, by an equal percent-  
 15      age, to the extent the Secretary determines that it  
 16      may be so increased without causing the amount de-  
 17      scribed in subsection (a)(1) to exceed the amount de-  
 18      scribed in subsection (a)(2) (but not by more than the  
 19      amount of the reduction).

20              “(2) APPORTIONMENT.—The Secretary shall ap-  
 21      portion amounts made available for apportionment  
 22      by paragraph (1).

23              “(3) PERIOD OF AVAILABILITY.—Any funds ap-  
 24      portioned under paragraph (2) shall remain available  
 25      for the period for which they would be available if

1        *such apportionment took effect with the fiscal year in*  
 2        *which they are apportioned under paragraph (2).*

3        “(e) *REPORTS.*—*Any estimate under subsection (a)*  
 4        *and any determination under subsection (b), (c), or (d)*  
 5        *shall be reported by the Secretary to Congress.*

6        “(f) *DEFINITIONS.*—*For purposes of this section, the*  
 7        *following definitions apply:*

8                “(1) *NET AVIATION RECEIPTS.*—*The term ‘net*  
 9                *aviation receipts’ means, with respect to any period,*  
 10              *the excess of—*

11                      “(A) *the receipts (including interest) of the*  
 12                      *Airport and Airway Trust Fund during such pe-*  
 13                      *riod, over*

14                      “(B) *the amounts to be transferred during*  
 15                      *such period from the Airport and Airway Trust*  
 16                      *Fund under section 9502(d) of the Internal Reve-*  
 17                      *nue Code of 1986 (other than paragraph (1)*  
 18                      *thereof).*

19                “(2) *UNFUNDED AVIATION AUTHORIZATIONS.*—  
 20                *The term ‘unfunded aviation authorization’ means, at*  
 21                *any time, the excess (if any) of—*

22                      “(A) *the total amount authorized to be ap-*  
 23                      *propriated from the Airport and Airway Trust*  
 24                      *Fund which has not been appropriated, over*

1           “(B) the amount available in the Airport  
 2           and Airway Trust Fund at such time to make  
 3           such appropriation (after all other unliquidated  
 4           obligations at such time which are payable from  
 5           the Airport and Airway Trust Fund have been  
 6           liquidated).”.

7           (b) CONFORMING AMENDMENT.—The analysis for  
 8           chapter 471 of title 49, United States Code, is amended by  
 9           striking

          “47131. Annual report.”

10          and inserting the following:

          “47131. Safeguards against deficit spending.

          “47132. Annual report.”.

11       **SEC. 4. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF**  
 12                               **THE INLAND WATERWAYS TRUST FUND AND**  
 13                               **HARBOR MAINTENANCE TRUST FUND.**

14           (a) ESTIMATES OF UNFUNDED INLAND WATERWAYS  
 15           AUTHORIZATIONS AND NET INLAND WATERWAYS RE-  
 16           CEIPTS.—Not later than March 31 of each year, the Sec-  
 17           retary of the Army, in consultation with the Secretary of  
 18           the Treasury, shall estimate—

19                   (1) the amount which would (but for this sec-  
 20                   tion) be the unfunded inland waterways authoriza-  
 21                   tions and unfunded harbor maintenance authoriza-  
 22                   tions at the close of the first fiscal year that begins  
 23                   after that March 31; and

1           (2) *the net inland waterways receipts and net*  
 2           *harbor maintenance receipts at the close of such fiscal*  
 3           *year.*

4           ***(b) PROCEDURE IF EXCESS UNFUNDED INLAND WA-***  
 5           ***TERWAYS AUTHORIZATIONS.***—*If the Secretary of the Army*  
 6           *determines with respect to the Inland Waterways Trust*  
 7           *Fund or the Harbor Maintenance Trust Fund for any fiscal*  
 8           *year that the amount described in subsection (a)(1) exceeds*  
 9           *the amount described in subsection (a)(2), the Secretary*  
 10          *shall determine the amount of such excess.*

11          ***(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED***  
 12          ***AUTHORIZATIONS EXCEED RECEIPTS.***—

13               ***(1) DETERMINATION OF PERCENTAGE.***—*If the*  
 14               *Secretary of the Army determines that there is an ex-*  
 15               *cess referred to in subsection (b) for a fiscal year, the*  
 16               *Secretary of the Army shall determine the percentage*  
 17               *which—*

18                       ***(A) such excess, is of***

19                       ***(B) the total of the amounts authorized to***  
 20                       *be appropriated from the Inland Waterways*  
 21                       *Trust Fund or the Harbor Maintenance Trust*  
 22                       *Fund, as the case may be, for the next fiscal*  
 23                       *year.*

24               ***(2) ADJUSTMENT OF AUTHORIZATIONS.***—*If the*  
 25               *Secretary of the Army determines a percentage under*

1       paragraph (1), each amount authorized to be appro-  
2       priated from the Trust Fund for the next fiscal year  
3       shall be reduced by such percentage.

4       (d) *AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-*  
5 *HELD.*—If, after an adjustment has been made under sub-  
6 section (c)(2), the Secretary of the Army determines with  
7 respect to the Inland Waterways Trust Fund or the Harbor  
8 Maintenance Trust Fund that the amount described in sub-  
9 section (a)(1) does not exceed the amount described in sub-  
10 section (a)(2) or that the excess referred to in subsection  
11 (b) with respect to the Trust Fund is less than the amount  
12 previously determined, each amount authorized to be appro-  
13 priated that was reduced under subsection (c)(2) with re-  
14 spect to the Trust Fund shall be increased, by an equal per-  
15 centage, to the extent the Secretary of the Army determines  
16 that it may be so increased without causing the amount  
17 described in subsection (a)(1) to exceed with respect to the  
18 Trust Fund the amount described in subsection (a)(2) (but  
19 not by more than the amount of the reduction).

20       (e) *REPORTS.*—Any estimate under subsection (a) and  
21 any determination under subsection (b), (c), or (d) shall  
22 be reported by the Secretary of the Army to Congress.

23       (f) *DEFINITIONS.*—For purposes of this section the fol-  
24 lowing definitions apply:

1           (1) *AIRPORT AND AIRWAY TRUST FUND.*—The  
2       term “*Airport and Airway Trust Fund*” means the  
3       *Airport and Airway Trust Fund* established by sec-  
4       tion 9502 of the Internal Revenue Code of 1986.

5           (2) *HARBOR MAINTENANCE TRUST FUND.*—The  
6       term “*Harbor Maintenance Trust Fund*” means the  
7       *Harbor Maintenance Trust Fund* established by sec-  
8       tion 9505 of the Internal Revenue Code of 1986.

9           (3) *HIGHWAY TRUST FUND.*—The term “*High-*  
10      *way Trust Fund*” means the *Highway Trust Fund* es-  
11      *tablished by section 9503 of the Internal Revenue*  
12      *Code of 1986.*

13          (4) *INLAND WATERWAYS TRUST FUND.*—The  
14      term “*Inland Waterways Trust Fund*” means the *In-*  
15      *land Waterways Trust Fund* established by section  
16      9506 of the Internal Revenue Code of 1986.

17          (5) *NET HARBOR MAINTENANCE RECEIPTS.*—The  
18      term “*net harbor maintenance receipts*” means, with  
19      respect to any period, the receipts (including interest)  
20      of the *Harbor Maintenance Trust Fund* during such  
21      period.

22          (6) *NET INLAND WATERWAYS RECEIPTS.*—The  
23      term “*net inland waterways receipts*” means, with re-  
24      spect to any period, the receipts (including interest)

1       *of the Inland Waterways Trust Fund during such pe-*  
2       *riod.*

3               (7) *UNFUNDED INLAND WATERWAYS AUTHORIZA-*  
4       *TIONS.—The term “unfunded inland waterways au-*  
5       *thorizations” means, at any time, the excess (if any)*  
6       *of—*

7                       (A) *the total amount authorized to be ap-*  
8       *propriated from the Inland Waterways Trust*  
9       *Fund which has not been appropriated, over*

10                      (B) *the amount available in the Inland Wa-*  
11       *terways Trust Fund at such time to make such*  
12       *appropriations.*

13               (8) *UNFUNDED HARBOR MAINTENANCE AUTHOR-*  
14       *IZATIONS.—The term “unfunded harbor maintenance*  
15       *authorizations” means, at any time, the excess (if*  
16       *any) of—*

17                      (A) *the total amount authorized to be ap-*  
18       *propriated from the Harbor Maintenance Trust*  
19       *Fund which has not been appropriated, over*

20                      (B) *the amount available in the Harbor*  
21       *Maintenance Trust Fund at such time to make*  
22       *such appropriations.*

1 ***SEC. 5. APPLICABILITY.***

2       *This Act (including the amendments made by this Act)*  
3 *shall apply to fiscal years beginning after September 30,*  
4 *1995.*